

Federal Communications Commission

DA 02-3381

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MB Docket No. 02-95
Table of Allotments,)	RM-10421
Digital Television Broadcast Stations.)	
(Odessa, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 6, 2002

Released December 13, 2002

By the Chief, Video Division:

1. At the request of Odessa Junior College District ("KOCV"), licensee of noncommercial station KOCV-TV, Odessa, Texas, the Commission has before it the Notice of Proposed Rule Making, proposing the substitution of DTV channel *38 for station KOCV-TV's assigned DTV channel *22. KOCV filed comments reiterating its support for its channel substitution proposal. No other comments were received.

2. We believe the public interest would be served by adopting KOCV's proposal since it will enable station KOCV-DT to increase its power to provide service to a larger portion of its current audience. DTV channel *38 can be allotted to Odessa, Texas, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 31-51-58 N. and 102-22-48 W. Since the community of Odessa is located within 275 kilometers of the U.S.-Mexican border, concurrence from the Mexican government has been obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KOCV-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
TX Odessa	*38	500	82	259

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 27, 2003 the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

CityChannel No.

Odessa, Texas

15¹, 23, 31, *38, 43c

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Odessa Junior College District shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *38 in lieu of DTV Channel *22 for station KOCV-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ We note that the Commission has another proposal before it seeking the substitution of DTV channel 13 for DTV channel 15, filed by Midessa Television Company, licensee of station KWES-TV, Odessa, Texas.